

LEGISLATIVE MINUTES

MARLBORO TOWNSHIP COUNCIL MEETING

OCTOBER 28, 2004

The Marlboro Township Council held a regularly scheduled Council Meeting on October 28, 2004 at 8:00 P.M. at the Marlboro Municipal Complex, 1979 Township Drive, Marlboro, New Jersey.

Council President Mione opened the meeting and announced that pursuant to the provisions of the Open Public Meetings Act, notice of this regular meeting of the Township Council of the Township of Marlboro was faxed to the Asbury Park Press, the Star Ledger and News Transcript on January 5, 2004; faxed to the Board of Education Office; posted on the Bulletin Board of the Municipal Building and filed in the office of the Municipal Clerk.

PRESENT: Councilman Burrows, Council Vice President Denkensohn, Councilwoman Morelli, Councilman Pernice and Council President Mione.

Also present were: Mayor Kleinberg, Andrew Bayer, Esq., Jennifer Schwartz, Esq., Acting Business Administrator Judith Tiernan, Municipal Clerk Alida DeGaeta and Deputy Clerk Deborah Usalowicz.

The Clerk called the Roll.

Public Information Report - Public Information Director Susan Levine reminded residents to vote at the November 2nd General Election, announced the Marlboro Recreation & Parks Commission "Enchanted Times Afternoon" scheduled Oct. 30th from 11am-3pm at the Recreation Center, Halloween curfew from 10:00pm to 6:00am, Marlboro Police Halloween Safety tips on www.marlboro-twp.com, upcoming senior programming events at the Recreation Center and the Morganville Volunteer First Aid and Rescue Squad blood drive Nov. 18th from 6:00pm-9:pm.

There was a short recess at 9:30PM.

The following Resolution # 2004-333 (Cross Acceptance) was introduced by reference, offered by Councilwoman Morelli and seconded by Councilman Burrows. Planner Jennifer Beahm explained the process and the proposed plan. There was a brief discussion between Council and Ms. Beahm after which the resolution was passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2004-333

RESOLUTION AUTHORIZING THE TOWNSHIP OF
MARLBORO'S CROSS-ACCEPTANCE REPRESENTATIVE TO
SUBMIT THE TOWNSHIP OF MARLBORO'S CROSS-
ACCEPTANCE REPORT TO THE MONMOUTH COUNTY
PLANNING BOARD

WHEREAS, on April 28, 2004, the New Jersey State Planning Commission approved the release of the Preliminary State Development and Redevelopment Plan ("State Plan") and the Preliminary State Plan Policy Map; and

WHEREAS, the release of the State Plan launched the third round of Cross-Acceptance, which refers to a bottom-up approach to planning, designed to encourage consistency between municipal, county, regional and state plans to create a meaningful, up-to-date and viable State Plan; and

WHEREAS, as part of the Cross-Acceptance process, municipalities are strongly encouraged to submit a Cross-Acceptance Report to the designated body at the county-level setting forth the municipalities' comments regarding the State Plan; and

WHEREAS, the Mayor and the Township Council of the Township of Marlboro concluded that it was appropriate and necessary and in the municipality's best interest to fully participate in the development of the State Plan through the full and active participation of the Township of Marlboro in the Cross-Acceptance process; and

WHEREAS, pursuant to Resolution #2004-185, the Township Council of the Township of Marlboro appointed Jennifer Beahm of Birdsall Engineering, Inc. as the

Township of Marlboro's Cross-Acceptance Representative (the "Township's Cross-Acceptance Representative"); and

WHEREAS, the Township's Cross-Acceptance Representative has prepared the Township of Marlboro's Cross-Acceptance Report (the "Report"), which is attached hereto and incorporated herein by reference; and

WHEREAS, the Mayor and Township Council of the Township of Marlboro have reviewed the Report and find that it would be in the best interest of the Township of Marlboro to authorize the Township's Cross-Acceptance Representative to submit the Report on behalf of the Township of Marlboro to the Monmouth County Planning Board.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro that, in furtherance of the Township's intention to participate fully and actively in the Cross-Acceptance process, the Township's Cross-Acceptance Representative be and hereby is authorized to submit the Report to the Monmouth County Planning Board; and

BE IT FURTHER RESOLVED, that a certified copy of this Resolution shall be provided to each of the following:

- a. Monmouth County Planning Board
- b. Township Administrator
- c. Jennifer Beahm, Birdsall Engineering, Inc.
- d. Gluck Walrath LLP

Councilman Pernice moved that the minutes of September 9th, 2004 be approved. This motion was seconded by Council Vice President Denkensohn and the minutes were passed on a roll call vote of 5-0 in favor.

Councilman Pernice moved that the minutes of September 23, 2004 be approved. This motion was seconded by Council Vice President Denkensohn and the minutes were passed on a roll call vote of 4-0 in favor with Council President Mione abstaining.

Council President Mione opened the Public Hearing on Ordinance #2004-22 (Mid-Block Crosswalk Henry Hudson Trail

- Kensington Gate - Huxley Court). As there was no one who wished to speak, the Public Hearing was closed. The following Resolution #2004-327/Ord. #2004-22 (Mid-Block Crosswalk Henry Hudson Trail - Kensington Gate - Huxley Court) was introduced by reference, offered by Councilwoman Morelli, seconded by Council President Mione and passed on a roll call vote of 5 - 0.

RESOLUTION # 2004-327

BE IT RESOLVED by the Township Council of the Township of Marlboro that an Ordinance entitled:

ORDINANCE # 2004-22

AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 138 "VEHICLES AND TRAFFIC" OF THE CODE OF THE TOWNSHIP OF MARLBORO BY MAKING THE PROVISIONS OF SUBTITLE ONE OF TITLE 39 WITH VARIOUS TRAFFIC REGULATIONS APPLICABLE TO HUXLEY COURT WITHIN THE TOWNSHIP OF MARLBORO AND REGULATING THE USE OF SAID ROADWAYS, STREETS, DRIVEWAYS AND PARKING LOTS BY MOTOR VEHICLES

which was introduced on September 23, 2004, public hearing held October 28, 2004, be adopted on second and final reading this October 28th day 2004.

BE IT FURTHER RESOLVED that notice of the adoption of this ordinance shall be advertised according to law.

Council President Mione opened the Public Hearing on Ordinance #2004-23 (Remediation of Sinkholes - Bolling Brook/Country Hills). As there was no one who wished to speak, the Public Hearing was closed. The following Resolution #2004-328/Ord. #2004-23 (Remediation of Sinkholes - Bolling Brook/Country Hills) was introduced by reference, offered by Councilman Pernice, seconded by Councilman Burrows passed on a roll call vote of 5 - 0.

RESOLUTION # 2004-328

BE IT RESOLVED by the Township Council of the Township of Marlboro that an Ordinance entitled:

ORDINANCE # 2004-23

AN ORDINANCE OF THE TOWNSHIP OF
MARLBORO, IN THE COUNTY OF MONMOUTH,
NEW JERSEY PROVIDING FOR REMEDIATION OF
SINK HOLES IN THE BOLLING BROOK/COUNTRY
HILLS SUBDIVISION LOCATED IN THE
TOWNSHIP AND APPROPRIATING \$83,877.53
THEREFOR FROM THE PORTION OF THE
TOWNSHIP'S CAPITAL ACCOUNT EARMARKED AS
THE "GROUP CONSTRUCTION ACCOUNT(S)"

which was introduced on October 14, 2004, public hearing
held October 28, 2004, be adopted on second and final
reading this October 28th day 2004.

BE IT FURTHER RESOLVED that notice of the adoption of
this ordinance shall be advertised according to law.

Council President Mione opened the Public Hearing on Ordinance
#2004-24 (Fees for Copies - Police/Court/Discovery). As there
was no one who wished to speak, the Public Hearing was closed.
The following Resolution #2004-329/Ord. #2004-24 (Fees for
Copies - Police/Court/Discovery) was introduced by reference,
offered by Council Vice President Denkensohn, seconded by
Councilwoman Morelli and passed on a roll call vote of 5 - 0.

RESOLUTION # 2004-329

BE IT RESOLVED by the Township Council of the Township
of Marlboro that an Ordinance entitled:

ORDINANCE # 2004-24

AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 62 "FEES,"
ARTICLE III "MUNICIPAL SERVICES,"
SECTION 62-4 "FEES"

which was introduced on October 14, 2004, public hearing
held October 28, 2004, be adopted on second and final
reading this October 28th day 2004.

BE IT FURTHER RESOLVED that notice of the adoption of
this ordinance shall be advertised according to law.

Council President Mione opened the Public Hearing on Ordinance #2004-25(As Amended) (Prohibiting Parking in Driveway Areas - Marlboro Little League Pursuant to Consent Order). As there was no one who wished to speak, the Public Hearing was closed. The following Resolution #2004-330/Ord. #2004-25(As Amended) (Prohibiting Parking in Driveway Areas - Marlboro Little League Pursuant to Consent Order) was introduced by reference, offered by Council Vice President, seconded by Councilman Burrows and passed on a roll call vote of 5 - 0.

RESOLUTION # 2004-330

BE IT RESOLVED by the Township Council of the Township of Marlboro that an Ordinance entitled:

ORDINANCE # 2004-25 (AS AMENDED)

AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 103 "PARKING: MUNICIPAL FACILITIES," ARTICLE V "PARKING FOR MARLBORO TOWNSHIP LITTLE LEAGUE" OF THE CODE OF THE TOWNSHIP OF MARLBORO TO INCLUDE PARKING RESTRICTIONS FOR DRIVEWAY AREAS OF THE MARLBORO TOWNSHIP LITTLE LEAGUE

which was introduced on October 14, 2004, public hearing held October 28, 2004, be adopted on second and final reading this October 28th day 2004.

BE IT FURTHER RESOLVED that notice of the adoption of this ordinance shall be advertised according to law.

The following Resolution # 2004-321 ((Carried from 10/14) Opposing Fast Track Legislation)) was introduced by reference, offered by Councilman Pernice, seconded by Councilman Burrows and passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2004-321

RESOLUTION IN OPPOSITION TO
THE FAST TRACK PERMITTING ACT, P.L. 2004, C. 89

WHEREAS, the New Jersey legislature passed P.L. 2004, c. 89 - the Fast Track Permitting Act - in seven days so that very little public testimony or input from local government was possible;

WHEREAS, the Fast Track Permitting Act expedites permit review in legislatively designated "smart growth areas" that cover about 40% of the State;

WHEREAS, provisions of the Fast Track Permitting Act promote the by-passing of local and planning and goals in favor of expedited development projects;

WHEREAS, environmentally sensitive areas in suburban regions are special havens, vulnerable to development pressures where expedited permits would increase the risk of environmental damage;

WHEREAS, existing infrastructure cannot support the magnitude of development encouraged by the Fast Track Permitting Act and the law makes no provision for needed infrastructure, so the burden will fall on local taxpayers;

WHEREAS, the Law provides advantages only to certain applicants who are willing and able to pay the extra fees;

WHEREAS, the Law provides limited opportunity for the public or local officials to comment on expedited permits;

WHEREAS, the Law allows sewer lines, water lines and treatment works facilities as well as other projects to be constructed without a DEP application, public hearings or comment and allows State agencies to delegate their permitting authority to third party professionals for permits-by-rule;

WHEREAS, the Law does not only apply to private developers, but to government agencies whose projects generally entail significant environmental impacts;

WHEREAS, the 45-day deadline for permit approvals will not allow the State agencies, municipalities and other interested parties enough time to ensure proper review of most permits;

WHEREAS, the Fast Track Permitting Act ignores the constitutional requirement for equal protection for residents from different areas of the state;

WHEREAS, the Fast Track Permitting Act prohibits judicial appeal of decisions made by the Office of Administrative Law, another constitutional right;

NOW, THEREFORE BE IT RESOLVED RESOLVED, that the Township of Marlboro opposes Fast Track Permitting Act and

strongly urges the Legislature to reconsider and repeal this damaging, ill-considered law.

BE IT FURTHER RESOLVED that a copy of this Resolution be sent to Governor James E. McGreevey, and the Legislators of the 12th District, Senator Ellen Karcher, Assemblyman Robert Morgan, Assemblyman Michael Panter and adjoining municipalities.

The following Resolution # 2004-331 (Authorizing SCAT Agreement - Monmouth County) was introduced by reference, offered by Councilwoman Morelli, seconded by Council President Mione and passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2004-331

AUTHORIZING AN AGREEMENT WITH THE COUNTY OF MONMOUTH, PURSUANT TO N.J.S.A. 40:8A-1 ET SEQ., THE INTERLOCAL SERVICES ACT, FOR SPECIAL CITIZENS TRANSPORTATION SYSTEM (SCAT) SERVICES TO ELIGIBLE PERSONS

WHEREAS, The Board of Chosen Freeholders of the County of Monmouth (hereinafter, "the County") has established the Special Citizens Area Transportation System (hereinafter, "SCAT"); and

WHEREAS, the Township of Marlboro has requested that the County provide services to eligible residents and wishes to enter into an agreement with the County for the provision of transportation services to eligible residents of Marlboro Township for the year 2005;

WHEREAS, the Interlocal Services Act, N.J.S.A. 40:8A-1 et seq., authorizes local units as defined in said Act to enter into joint agreements for the provision of governmental services, including such transportation services; and

WHEREAS, the proposed contract for the provision of said services is on file in the Township Clerk's office in accordance with the provisions of N.J.S.A. 40:8A-4:

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Township Clerk are hereby authorized and directed to execute the proposed interlocal services agreement for the provision of the aforementioned services.

BE IT FURTHER RESOLVED that a duly certified copy of this resolution be forwarded to all respective parties.

The following Resolution # 2004-332 (Resolution Creating an "Advisory Committee on Affordable Housing" was introduced by reference, offered by Councilman Burrows and seconded by Councilman Pernice. Discussion followed, after which the resolution was amended. The resolution as amended was introduced by reference, offered by Councilman Burrows, seconded by Councilman Pernice and passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2004-332 (As Amended)

RESOLUTION CREATING AN "ADVISORY COMMITTEE ON AFFORDABLE HOUSING" OF THE TOWNSHIP COUNCIL

WHEREAS, pursuant to Resolution #2004-225, the Township Council of the Township of Marlboro approved the July 2004 Housing Plan Element and Fair Share Plan (collectively referred to as the "Affordable Housing Plan") for the Township of Marlboro, which addresses the Township's first and second round affordable housing obligations; and

WHEREAS, on July 27, 2004, the Township of Marlboro petitioned the Council on Affordable Housing ("COAH") for substantive certification and requested that COAH review and certify the Affordable Housing Plan; and

WHEREAS, in accordance with N.J.A.C. 5:91-4.1, certain persons have filed objections to the Affordable Housing Plan with COAH and, as a result of these objections, the Township and the objectors will engage in mediation; and

WHEREAS, the Township Council has reviewed the objections filed with COAH and continues to support the Affordable Housing Plan; and

WHEREAS, in order to address all of the issues which may arise during the mediation, the Township Council believes it is in the best interest of the residents of the Township of Marlboro to establish a Special Committee on Affordable Housing.

WHEREAS, the Township Council also recognizes that, in the future, the Township will be required to satisfy its future affordable housing obligation; and

WHEREAS, the Township Council desires that the Special Committee on Affordable Housing will also begin to examine the Township's third round affordable housing obligation and options available for satisfying that obligation; and

WHEREAS, Section 4-12 of the Code of the Township of Marlboro authorizes the Township Council to create special committees; and

WHEREAS, this resolution does not in any way undermine the plan currently submitted by the Township Council presently under consideration by COAH.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro as follows:

1. The Advisory Committee on Affordable Housing of the Township Council is hereby established;
2. Said Committee shall consist of seven (7) members. One (1) member of the Committee shall be a Democratic Township Council member and one (1) member shall be a Republican Township Council member, both of whom shall be appointed by the Township Council. One (1) member shall be a representative from the Administration appointed by the Mayor. Four (4) members shall be residents representing diverse areas of the Township, appointed by the Township Council;
3. The Advisory Committee on Affordable Housing shall be responsible for examining the Township's future affordable housing obligation; and
4. The Advisory Committee on Affordable Housing shall then make recommendations to the Township Council regarding these issues.

The following Resolution # 2004-334 (Bond Release Landmark Estates) was introduced by reference, offered by Council Vice President Denkensohn, seconded by Councilman Burrows passed on a roll call vote of 4 - 0 in favor (Absent: Morelli).

RESOLUTION # 2004-334

RESOLUTION AUTHORIZING THE RELEASE OF THE PERFORMANCE BOND
AND CASH BOND FOR THE LANDMARK ESTATES SUBDIVISION

WHEREAS, in accordance with N.J.S.A. 40:55D-53, the Township of Marlboro received a request by Landmark Estates, LLC for the release of the Performance Bond and Cash Bond being held by the Township for the Landmark Estates subdivision; and

WHEREAS, the Mayor and Township Council of the Township of Marlboro have received and reviewed a report from the Township Engineer dated August 30, 2004 (the "Engineer's Report"), a copy of which is attached hereto and made a part hereof; and

WHEREAS, the Engineer's Report recommends the release of the Performance Bond and Cash Bond being held by the Township, conditioned upon (i) the posting of a Maintenance Bond in the amount of \$49,066.00 and (ii) a Certificate of Compliance or letter of no objection from Freehold Soil Conservation District; and

WHEREAS, the Township Council now desires to take the following action regarding the aforesaid Performance Bond and Cash Bond.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro, County of Monmouth, State of New Jersey, that the Performance Bond and Cash Bond posted for the Landmark Estates subdivision shall each be released in their entirety; and

BE IT FURTHER RESOLVED, that the release of the aforesaid Performance Bond and Cash Bond shall be conditioned upon (i) the posting of a Maintenance Bond in the amount of \$49,066.00 and (ii) a Certificate of Compliance or letter of no objection from Freehold Soil Conservation District; and

BE IT FURTHER RESOLVED, that a certified copy of this Resolution shall be provided to each of the following:

- a. Landmark Estates, LLC
- b. International Fidelity Insurance Company
- c. Township Engineer
- d. Chief Financial Officer
- e. Gluck, Walrath & Lanciano, LLP

The following Resolution # 2004-335 (Bond Release Bella Vista Estates) was introduced by reference, offered by Council Vice President Denkensohn, seconded by Councilman Pernice and passed on a roll call vote of 4 - 0 in favor (Absent: Morelli).

RESOLUTION # 2004-335

RESOLUTION AUTHORIZING THE RELEASE OF THE PERFORMANCE BOND
AND CASH BOND FOR BELLA VISTA ESTATES

WHEREAS, in accordance with N.J.S.A. 40:55D-53, the Township of Marlboro received a request by Bella Vista Estates, LLC for the release of the Performance Bond and Cash Bond being held by the Township for Bella Vista Estates; and

WHEREAS, the Mayor and Township Council of the Township of Marlboro have received and reviewed a report from the Township Engineer dated September 16, 2004 (the "Engineer's Report"), a copy of which is attached hereto and made a part hereof; and

WHEREAS, the Engineer's Report recommends the release of the Performance Bond and Cash Bond being held by the Township conditioned upon the posting of a Maintenance Bond in the amount of \$65,786.00; and

WHEREAS, the Township Council now desires to take the following action regarding the aforesaid Performance Bond and Cash Bond.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro, County of Monmouth, State of New Jersey, that the Performance Bond and Cash Bond posted for Bella Vista Estates shall each be released in their entirety; and

BE IT FURTHER RESOLVED, that the release of the aforesaid Performance Bond and Cash Bond shall be conditioned upon the posting of a Maintenance Bond in the amount of \$65,786.00; and

BE IT FURTHER RESOLVED, that a certified copy of this Resolution shall be provided to each of the following:

- a. Bella Vista Estates, LLC
- b. Gulf Insurance Company
- c. Township Engineer
- d. Chief Financial Officer
- e. Gluck, Walrath & Lanciano, LLP

The following Resolution # 2004-336 (Bond Release Lucas Brothers, B. 172, L. 40.03) was introduced by reference, offered by Councilman Pernice, seconded by Council Vice President Denkensohn and passed on a roll call vote of 4 - 0 in favor (Absent: Morelli).

RESOLUTION # 2004-336

RESOLUTION AUTHORIZING THE RELEASE OF THE PERFORMANCE BOND FOR THE PROPERTY KNOWN AS BLOCK 172, LOT 40.03, COMMERCIAL COURT

WHEREAS, in accordance with N.J.S.A. 40:55D-53, the Township of Marlboro received a request by Lucas Development, LLC for the release of the Performance Bond being held by the Township for the property known as Block 172, Lot 40.03, Commercial Court; and

WHEREAS, the Mayor and Township Council of the Township of Marlboro have received and reviewed a report from the Township Engineer dated August 30, 2004 (the "Engineer's Report"), a copy of which is attached hereto and made a part hereof; and

WHEREAS, the Engineer's Report recommends the release of the Performance Bond being held by the Township, conditioned upon (i) the posting of a Maintenance Bond in the amount of \$12,750.00 and (ii) the payment of all fees as required by the Developer's Agreement; and

WHEREAS, the Township Council now desires to take the following action regarding the aforesaid Performance Bond.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro, County of Monmouth, State of New Jersey, that the Performance Bond posted for the property known as Block 172, Lot 40.03, Commercial Court shall be released in its entirety; and

BE IT FURTHER RESOLVED, that the release of the aforesaid Performance Bond shall be conditioned upon (i) the posting of a Maintenance Bond in the amount of

\$12,750.00 and (ii) the payment of all fees as required by the Developer's Agreement; and

BE IT FURTHER RESOLVED, that a certified copy of this Resolution shall be provided to each of the following:

- a. Lucas Development, LLC
- b. Safeco Insurance Company of America
- c. Township Engineer
- d. Chief Financial Officer
- e. Gluck, Walrath & Lanciano, LLP

The following Resolution # 2004-337 (Bond Release Lucas Brothers, B. 172, L. 38 & 40.11) was introduced by reference, offered by Council Vice President Denkensohn, seconded by Council President Mione and passed on a roll call vote of 4 - 0 in favor (Absent: Morelli).

RESOLUTION # 2004-337

RESOLUTION AUTHORIZING THE RELEASE OF THE PERFORMANCE BOND FOR THE PROPERTIES KNOWN AS BLOCK 172, LOTS 38 and 40.11

WHEREAS, in accordance with N.J.S.A. 40:55D-53, the Township of Marlboro received a request by Lucas Development, LLC for the release of the Performance Bond being held by the Township for the performance of grading work on the properties known as Block 172, Lots 38 and 40.11; and

WHEREAS, the Mayor and Township Council of the Township of Marlboro have received and reviewed a report from the Township Engineer dated August 30, 2004 (the "Engineer's Report"), a copy of which is attached hereto and made a part hereof; and

WHEREAS, the Engineer's Report recommends the release of the Performance Bond being held by the Township conditioned upon (i) the payment of all fees as required by the Developer's Agreement; and (ii) the receipt of an as-built drawing for the properties as required by the Code of the Township of Marlboro; and

WHEREAS, the Township Council now desires to take the following action regarding the aforesaid Performance Bond.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro, County of

Monmouth, State of New Jersey, that the Performance Bond posted for the properties known as Block 172, Lots 38 and 40.11 shall be released in its entirety; and

BE IT FURTHER RESOLVED, that the release of the aforesaid Performance Bond shall be conditioned upon (i) the payment of all fees as required by the Developer's Agreement; and (ii) the receipt of an as-built drawing for the properties as required by the Code of the Township of Marlboro; and

BE IT FURTHER RESOLVED, that a certified copy of this Resolution shall be provided to each of the following:

- a. Lucas Development, LLC
- b. Safeco Insurance Company of America
- c. Township Engineer
- d. Chief Financial Officer
- e. Gluck, Walrath & Lanciano, LLP

The following Resolution # 2004-338 (Bond Release - Officenter) was introduced by reference, offered by Councilman Pernice, seconded by Council President Mione and passed on a roll call vote of 4 - 0 in favor (Absent: Morelli).

RESOLUTION # 2004-338

RESOLUTION AUTHORIZING THE RELEASE OF THE CASH BOND FOR THE
OFFICENTER SITE DRAINAGE SYSTEM IMPROVEMENTS,
BLOCK 168, LOT 1

WHEREAS, in accordance with N.J.S.A. 40:55D-53, the Township of Marlboro received a request for the release of the Cash Bond being held by the Township for the Officenter site drainage system improvements, Block 168, Lot 1; and

WHEREAS, the Mayor and Township Council of the Township of Marlboro have received and reviewed a report from the Township Engineer dated September 29, 2004 (the "Engineer's Report"), a copy of which is attached hereto and made a part hereof; and

WHEREAS, the Engineer's Report recommends the unconditional release of the Cash Bond being held by the Township; and

WHEREAS, the Township Council now desires to take the following action regarding the aforesaid Cash Bond.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro, County of Monmouth, State of New Jersey, that the Cash Bond posted for the Officenter site drainage system improvements, Block 168, Lot 1 shall be unconditionally released in its entirety; and

BE IT FURTHER RESOLVED, that a certified copy of this Resolution shall be provided to each of the following:

- a. Owner of Officenter site
- b. Township Engineer
- c. Chief Financial Officer
- d. Gluck, Walrath & Lanciano, LLP

The following Resolution # 2004-339 (Bond Release - Hawkins Manor) was introduced by reference, offered by Council Vice President Denkensohn, seconded by Council President Mione and passed on a roll call vote of 4 - 0 in favor (Absent: Morelli).

RESOLUTION # 2004-339

RESOLUTION AUTHORIZING THE RELEASE OF THE PERFORMANCE BOND AND CASH BOND FOR THE HAWKINS MANOR SUBDIVISION

WHEREAS, in accordance with N.J.S.A. 40:55D-53, the Township of Marlboro received a request by Westwoods Developers for the release of the Performance Bond and Cash Bond being held by the Township for the Hawkins Manor subdivision; and

WHEREAS, the Mayor and Township Council of the Township of Marlboro have received and reviewed a report from the Township Engineer dated September 29, 2004 (the "Engineer's Report"), a copy of which is attached hereto and made a part hereof; and

WHEREAS, the Engineer's Report recommends the release of the Performance Bond and Cash Bond being held by the Township conditioned upon (i) the posting of a Maintenance Bond in the amount of \$171,017.00 and (ii) the payment of all fees are required by the Developer's Agreement; and

WHEREAS, the Township Council now desires to take the following action regarding the aforesaid Performance Bond and Cash Bond.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro, County of Monmouth, State of New Jersey, that the Performance Bond and Cash Bond posted for the Hawkins Manor subdivision shall each be released in their entirety; and

BE IT FURTHER RESOLVED, that the release of the aforesaid Performance Bond and Cash Bond shall be conditioned upon (i) the posting of a Maintenance Bond in the amount of \$171,017.00 and (ii) the payment of all fees are required by the Developer's Agreement; and

BE IT FURTHER RESOLVED, that a certified copy of this Resolution shall be provided to each of the following:

- a. Westwoods Developers
- b. First Indemnity of America
- c. Township Engineer
- d. Chief Financial Officer
- e. Gluck, Walrath & Lanciano, LLP

The following Resolution # 2004-340 (Bond Release - Husain Residence - 24 Evan Drive) was introduced by reference, offered by Councilman Burrows, seconded by Councilman Pernice and passed on a roll call vote of 4 - 0 in favor (Absent: Morelli).

RESOLUTION # 2004-340

RESOLUTION AUTHORIZING THE RELEASE OF THE CASH BOND FOR THE PROPERTY KNOWN AS BLOCK 180, LOT 33, 24 EVAN DRIVE

WHEREAS, in accordance with N.J.S.A. 40:55D-53, the Township of Marlboro received a request for the release of the Cash Bond being held by the Township for the property known as Block 180, Lot 33, 24 Evan Drive; and

WHEREAS, the Mayor and Township Council of the Township of Marlboro have received and reviewed a report from the Township Engineer dated October 5, 2004 (the "Engineer's Report"), a copy of which is attached hereto and made a part hereof; and

WHEREAS, the Engineer's Report recommends the unconditional release of the Cash Bond being held by the Township; and

WHEREAS, the Township Council now desires to take the following action regarding the aforesaid Cash Bond.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro, County of Monmouth, State of New Jersey, that the Cash Bond posted for the property known as Block 180, Lot 33, 24 Evan Drive shall be unconditionally released in its entirety; and

BE IT FURTHER RESOLVED, that a certified copy of this Resolution shall be provided to each of the following:

- a. Owner of Block 180, Lot 33
- b. Township Engineer
- c. Chief Financial Officer
- d. Gluck, Walrath & Lanciano, LLP

The following Resolution # 2004-341 (Bond Release - Huntington & Company) was introduced by reference, offered by Councilman Pernice, seconded by Council President Mione and passed on a roll call vote of 4 - 0 in favor (Absent: Morelli).

RESOLUTION # 2004-341

RESOLUTION AUTHORIZING THE RELEASE OF THE CASH BOND FOR THE
PROPERTY KNOWN AS BLOCK 218, LOT 8, 34 NORTH MAIN STREET

WHEREAS, in accordance with N.J.S.A. 40:55D-53, the Township of Marlboro received a request for the release of the Cash Bond being held by the Township for the property known as Block 218, Lot 8, 34 North Main Street; and

WHEREAS, the Mayor and Township Council of the Township of Marlboro have received and reviewed a report from the Township Engineer dated October 1, 2004 (the "Engineer's Report"), a copy of which is attached hereto and made a part hereof; and

WHEREAS, the Engineer's Report recommends the release of the Cash Bond being held by the Township conditioned upon the payment of all fees as required by the Developer's Agreement; and

WHEREAS, the Township Council now desires to take the following action regarding the aforesaid Cash Bond.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro, County of Monmouth, State of New Jersey, that the Cash Bond posted for the property known as Block 218, Lot 8, 34 North Main Street shall be released in its entirety; and

BE IT FURTHER RESOLVED, that the release of the aforesaid Cash Bond shall be conditioned upon the payment of all fees as required by the Developer's Agreement; and

BE IT FURTHER RESOLVED, that a certified copy of this Resolution shall be provided to each of the following:

- a. Owner of Block 218, Lot 8
- b. Township Engineer
- c. Chief Financial Officer
- d. Gluck, Walrath & Lanciano, LLP

The following Resolution # 2004-322 ((mtg. 10/14) Award of Bid - HVAC)) was introduced by reference, offered by Council Vice President Denkensohn, seconded by Council President Mione and passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2004-322

RESOLUTION AUTHORIZING THE AWARD OF A CONTRACT
TO AIRHANDLERS MECHANICAL SERVICES, INC. FOR THE
PROVISION OF HEATING, VENTILATING AND AIR
CONDITIONING EQUIPMENT FOR THE TOWNSHIP OF
MARLBORO'S DEPARTMENT OF PUBLIC WORKS GARAGE

WHEREAS, the Township of Marlboro has authorized the acceptance of bids to remove and replace all heating, ventilation and air conditioning equipment at the Department of Public Works garage; and

WHEREAS, four (4) bid proposals for removing and replacing all heating, ventilation and air conditioning equipment at the Department of Public Works garage were received as follows:

1. SBW, Inc., Jackson, New Jersey in the amount of \$44,660.00;

2. WHL Enterprises, Inc., Metuchen, New Jersey in the amount of \$49,000.00;
3. Airhandlers Mechanical Services, Inc., Magnolia, New Jersey in the amount of \$51,324.00; and
4. Gordon Brothers Commercial, Inc., Point Pleasant Beach, New Jersey in the amount of \$52,000.00; and

WHEREAS, Administration and the Department of Public Works have reviewed the bids received and recommend that the bids of SBW, Inc. and WHL Enterprises, Inc. be rejected because they did not meet the requirements of the specifications and are therefore materially defective; and

WHEREAS, Administration and the Department of Public Works recommend that a contract be awarded to Airhandlers Mechanical Services, Inc., as the lowest qualified bidder, for the removal and replacement of heating, ventilating and air conditioning equipment for the Department of Public Works garage; and

WHEREAS, the Township Council finds that it would be in the best interest of the Township of Marlboro to award said contract to Airhandlers Mechanical Services, Inc., the lowest qualified bidder.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro that the bids of SBW, Inc. and WHL Enterprises, Inc. are hereby rejected and a contract for the removal and replacement of heating, ventilating and air conditioning equipment for the Township of Marlboro's Department of Public Works garage be and hereby is awarded to Airhandlers Mechanical Services, Inc. and that the Mayor is authorized to execute a contract, in a form legally acceptable to the Township Attorney, between the Township of Marlboro and Airhandlers Mechanical Services, Inc. in an amount not to exceed \$51,324.00 and in accordance with the bid proposal submitted by Airhandlers Mechanical Services, Inc.; and

BE IT FURTHER RESOLVED that the Chief Financial Officer is directed to file a Certificate of Availability of sufficient funds for this contract and to attach same to this Resolution; and

BE IT FURTHER RESOLVED that a certified copy of this Resolution shall be provided to each of the following:

- a. Airhandlers Mechancial Services, Inc.
- b. Director, Department of Public Works
- c. Township Acting Business Administrator
- d. Township Chief Financial Officer
- e. Gluck Walrath LLP

The following Resolution # 2004-342 (Award of Bid - Ambulance) was introduced by reference, offered by Council President Mione, seconded by Councilman Pernice and passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2004-342

RESOLUTION AUTHORIZING THE AWARD OF A CONTRACT
TO BAY HEAD INVESTMENTS, INC. TO PROVIDE A 2005
GMC 4500 CHASSIS WITH CURRENT HORTON AMBULANCE
BODY FOR THE TOWNSHIP OF MARLBORO FIRST AID
SQUAD

WHEREAS, the Township of Marlboro authorized the acceptance of bids to provide a 2005 GMC 4500 Chassis with current Horton Ambulance Body or brand equivalent for the Township of Marlboro First Aid Squad with the trade in of a 1995 E350 Horton Ambulance; and

WHEREAS, one (1) bid was submitted by Bay Head Investments, Inc. of Berlin, New Jersey, for the following amount:

New Ambulance	\$144,977.00
Less Trade in Value	\$15,000.00
Total:	\$129,977.00; and

WHEREAS, the Administration has reviewed the bid received and recommend that the contract be awarded to Bay Head Investments, Inc. as the lowest qualified bidder; and

WHEREAS, the Township Council finds that it would be in the best interest of the Township of Marlboro to award the contract to the lowest qualified bidder, Bay Head Investments, Inc.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro that the contract to provide a 2005 GMC 4500 Chassis with current Horton Ambulance Body with the trade in of a 1995 E350 Horton Ambulance be and hereby is awarded to Bay Head Investments, Inc. and that the Mayor is authorized to execute a contract, in a form legally acceptable to the Township Attorney, between the Township of Marlboro and Bay Head Investments, Inc. to provide said ambulance for an amount not to exceed \$129,977.00 in accordance with the terms and conditions of the bid proposal submitted by Bay Head Investments, Inc., which is on file with the Township; and

BE IT FURTHER RESOLVED that the Chief Financial Officer is directed to file a Certificate of Availability of sufficient funds for this contract and to attach same to this Resolution; and

BE IT FURTHER RESOLVED, that a certified copy of this Resolution shall be provided to each of the following:

- a. Bay Head Investments, Inc.
- b. Township Office of Public Information
- c. Township Administrator
- d. Township Chief Financial Officer
- e. Gluck Walrath LLP.

The following Resolution # 2004-343 (Reject and Negotiate with Sole Bidder - Police In Car Cameras) was introduced by reference, offered by Council President Mione, seconded by Councilwoman Morelli and passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2004-343

RESOLUTION REJECTING ALL BIDS RECEIVED TO
PROVIDE AND INSTALL A DIGITAL PATROL CAR VIDEO
SYSTEM FOR THE TOWNSHIP OF MARLBORO POLICE
DEPARTMENT AND AUTHORIZING THE NEGOTIATION OF A
CONTRACT FOR THE PROVISION OF SUCH SERVICES AND
PRODUCTS

WHEREAS, the Township of Marlboro authorized the acceptance of bids to provide and install a digital patrol car video system for the Township of Marlboro Police Department; and

WHEREAS, one (1) bid was submitted by Kustom Signals, Inc. of Lenexa, Kansas; and

WHEREAS, the Administration and Police Department have reviewed the bid received and recommend that the bid be rejected on the basis that it is not reasonable as to price; and

WHEREAS, on three other occasions, bids submitted to provide and install a digital patrol car video system for the Township of Marlboro Police Department were rejected on the basis that they were not reasonable as to price; and

WHEREAS, pursuant to N.J.S.A. 40A:11-5(3), the Township Council may now authorize, without public bidding, the negotiation of a contract to provide and install a digital patrol car video system for the Township of Marlboro Police Department.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro that the bid submitted by Kustom Signals, Inc. to provide and install a digital patrol car video system be and hereby is rejected on the basis that it was not reasonable as to price; and

BE IT FURTHER RESOLVED, that Administration and the Police Department are authorized to negotiate a contract to provide and install a digital patrol car video system for the Township of Marlboro Police Department and to report the results of said negotiations to the Township Council; and

BE IT FURTHER RESOLVED, that a certified copy of this Resolution shall be provided to each of the following:

- a. Kustom Signals, Inc.
- b. Police Department
- c. Township Office of Public Information
- d. Township Administrator
- e. Township Chief Financial Officer
- f. Gluck Walrath LLP.

The following Resolutions were introduced by reference, offered by Councilman Pernice, seconded by Council Vice President Denkensohn and passed on a roll call vote of 5 - 0 in favor: Res. # 2004-344 (Redemption Tax Sale Certs. - Various), Res. # 2004-345 (Refunds for Overpayments - Various) and Res. # 2004-346 (Refund for Overpayment - B. 193.12, L. 167)

RESOLUTION # 2004-344

WHEREAS, the rightful owners of several properties have redeemed tax sale certificates totaling \$52,802.84 as per Schedule "A",

WHEREAS, the holders of the above-mentioned tax sale certificates are entitled to the amount of the sale plus interest and costs,

NOW, THEREFORE, BE IT RESOLVED by the Council of the Township of Marlboro that the amount of \$52,802.84 be refunded to the certificate holders as per Schedule "A",

SCHEDULE "A"

<u>LIEN NO</u>	<u>BLOCK/LOT</u>	<u>LIEN HOLDER</u>	<u>AMOUNT</u>
02-13	184/53	Betty Simon, Trustee LLC	\$52,281.32
9	Eisenhower Circle	P.O. Box 238	
	Northfield, NJ	08225	
04-24	176/7 C0701	Josef Hoffmann	521.52
701	Snowdrop Court	326 Shady Lane	
		Trenton, NJ 08679	
TOTAL:			\$52,802.84

RESOLUTION # 2004-345

WHEREAS, the attached list in the amount of \$13,651.50 known as Schedule "A", is comprised of amounts representing overpayments for 2004 taxes,

NOW, THEREFORE, BE IT RESOLVED by the Council of the Township of Marlboro to refund the above-mentioned overpaid amounts as per the attached Schedule "A",

SCHEDULE "A"

<u>BLOCK</u>	<u>LOT</u>	<u>ASSESSED OWNER</u>	<u>AMOUNT</u>
193.05	43	Mark Goldenberg	\$ 4,423.90
307 Sinclair Court		307 Sinclair Court Morganville, NJ 07751	
289	3	Ocean First Bank	1,768.23
11 Emerson Drive		Attn: Cheryl Banfield 975 Hooper Avenue Toms River, NJ 08753 Re: Philip Schuster	
355	15	Eastpoint at Marlboro Assn.	5,039.17
15 South Main St.		103 Candlewood Commons Howell, NJ 07731	
371	72	First American Tax Service	2,420.20
17 Weathervane Way		Attn: Lohn/NJ Team 95 Methodist Hill Drive Suite 100 Rochester, NY 14623 Re: Michael & Bonnie Seidel	
TOTAL:			\$ 13,651.50

RESOLUTION # 2004-346

WHEREAS, payments for the 2004 third and fourth quarter and 2005 first and second quarter land taxes have been received from the assessed owners, Michael & Arline Palmieri in the amount of \$391.52, for Block 193.12 Lot 167, located at 242 Everton Boulevard,

WHEREAS, all tax payments are the responsibility of the owners' mortgage company who also paid the 2004 third quarter, resulting in a credit balance,

WHEREAS, the above owners have requested a refund for their total payment for all four quarters,

NOW, THEREFORE, BE IT RESOLVED by the Council of the Township of Marlboro to refund \$391.52 to the above-mentioned owners.

The following Resolution # 2004-347 (Change Meeting Date - Nov. 4 to Nov. 9, 2004) was introduced by reference, offered by Council Vice President Denkensohn, seconded by Councilwoman Morelli and passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2004-347

BE IT RESOLVED by the Township Council of the Township of Marlboro that the Council meeting scheduled for November 4, 2004 be changed to November 9, 2004.

BE IT FURTHER RESOLVED that the meeting will take place at the usual time and place, 8:00 PM at Town Hall, 1979 Township Drive, Marlboro, New Jersey.

At 11:45PM, Council Vice President Denkensohn moved that the meeting be adjourned. This was seconded by Councilman Pernice, and as there was no objection, the Clerk was asked to cast one ballot.

MINUTES APPROVED: December 15, 2004

OFFERED BY: Pernice

AYES: 3

SECONDED BY: Mione

NAYS: 0

ABSENT: Denkensohn

ABSTAIN: Cantor

ALIDA DE GAETA
MUNICIPAL CLERK

JAMES MIONE
COUNCIL PRESIDENT

